

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF OREGON  
MEDFORD DIVISION

G. SMITH,

Case No. 1:17-cv-00712-CL  
**ORDER**

Plaintiff,

vs.

JILL LIMERICK,

Defendant.

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AIKEN, District Judge:

Magistrate Judge Mark Clarke has filed his Findings and Recommendation (“F&R”) (Doc. 118) recommending that plaintiff’s Motion for Leave to File an Amended Complaint, (Doc. 108), should be DENIED as futile, and plaintiff should be given leave to file a renewed motion to restate her claims for trespass and trespass to chattels within thirty days. This case is now before me. *See* 28 U.S.C. § 636(b)(1)(B) and Fed. R. Civ. P. 72(b).

When either party objects to any portion of a magistrate judge’s F&R, the district court must make a *de novo* determination of that portion of the magistrate

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judge's report. *See* 28 U.S.C. § 636(b)(1); *McDonnell Douglas Corp. v. Commodore Business Machines, Inc.*, 656 F.2d 1309, 1313 (9th Cir. 1981), *cert denied*, 455 U.S. 920 (1982).

Plaintiff has filed timely objections to the F&R. Doc. 121. Having reviewed the objection and the entire file of this case, the Court finds no error in Magistrate Judge Clarke's order.

Thus, the Court adopts Magistrate Judge Clarke's F&R (Doc. 118) in its entirety. Plaintiff's present motion for leave (Doc. 108) is DENIED. However, plaintiff is granted leave to file a renewed motion to restate her claims for trespass and trespass to chattels within thirty days of this order.

IT IS SO ORDERED.

Dated this 24th day of March, 2021.

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/s/Ann Aiken  
Ann Aiken  
United States District Judge